

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES OF THE
STATE OF MONTANA

In the matter of the adoption of New)
Rules I through XVI pertaining to home)
and community services for seriously)
emotionally disturbed youth)

NOTICE OF ADOPTION

TO: All Interested Persons

1. On December 20, 2007, the Department of Public Health and Human Services published MAR Notice No. 37-426 pertaining to the adoption of the above-stated rules, at page 2100 of the 2007 Montana Administrative Register, issue number 24.

2. The department has adopted New Rules I (37.87.1303), II (37.87.1305), III (37.87.1306), IV (37.87.1307), V (37.87.1321), VI (37.87.1323), VII (37.87.1325), VIII (37.87.1331), IX (37.87.1333), X (37.87.1335), XI (37.87.1338), XIII (37.87.1340), XIV (37.87.1341), XV (37.87.1342), and XVI (37.87.1343) as proposed.

3. Rule XII (37.87.1339), in section (3) as proposed in the first notice, required that customized goods and services must be prior authorized and were to be limited to \$200 per youth per federal fiscal year. In Rule I (37.87.1303), as adopted, the \$200 limitation for goods and services is now predicated upon the eligible youth's enrollment year. The limitation was misstated in the proposed rule and the department has determined that the correction of this misstatement is necessary. The limitation now reads "Customized goods and services must be prior authorized and are limited in expenditure to \$200 for each annual period beginning with a youth's most recent date of enrollment into the waiver". This period of reference is necessary to reasonably accommodate the needs of each enrolled youth based on a period beginning with enrollment rather than on a period that is arbitrary with respect to the youth's enrollment and needs. This change facilitates administration of the program and does not adversely affect the program enrollees.

4. The department has adopted the following rule as proposed with the following changes from the original proposal. Matter to be added is underlined. Matter to be deleted is interlined.

RULE XII (ARM 37.87.1339) HOME AND COMMUNITY SERVICES FOR YOUTH WITH SERIOUS EMOTIONAL DISTURBANCE: CUSTOMIZED GOODS AND SERVICES, REQUIREMENTS (1) through (2)(c) remain as proposed.

(3) Customized goods and services must be prior authorized and are limited in expenditure to \$200 for each annual period beginning with a youth's most recent date of enrollment into the waiver ~~per youth per federal fiscal year.~~

(4) and (5) remain as proposed.

AUTH: 53-2-201, 53-6-113, 53-6-402, MCA
IMP: 53-6-402, MCA

5. No comments or testimony were received.

/s/ Cary B. Lund
Rule Reviewer

/s/ Joan Miles
Director, Public Health and
Human Services

Certified to the Secretary of State February 4, 2008.